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**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	IN EQUITY NO. C-125-MMD
	)	Subproceedings: C-125-B
WALKER RIVER PAIUTE TRIBE,	)	3:73-CV-00127-MMD-WGC
	)	
Plaintiff-Intervenor,	)	
vs.	)	
	)	
WALKER RIVER IRRIGATION DISTRICT,	)	<b>JOINT STATUS REPORT</b>
a corporation, et al.,	)	
	)	
Defendants.	)	
	)	

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The United States of America (“United States”), Plaintiff in Case No. C-125 and this Subproceeding C-125-B, submits this joint status report as directed by the Court in its order of July 20, 2018 (ECF No. 2303). In this Joint Report, the parties provide the Court a description of what the undersigned believe is the current status of the case. In preparing this

Joint Status Report, the United States has consulted with counsel for active parties to this case. At the time of filing, the following join this Joint Status Report: Walker River Paiute Tribe (Tribe), Walker River Irrigation District, Mineral County, Nevada Department of Wildlife, California State Water Resources Control Board, and those parties represented by Schroeder Law Offices, P.C.

1. Detailed reports concerning this matter were separately filed by the Plaintiff parties (ECF No. 1684) and certain of the Defendant parties (ECF No. 1683) in 2012 and may provide useful background / information to the Court.

2. On May 28, 2015, this Court issued a judgment and order dismissing the water right claims asserted by the United States and the Tribe in the 1990s. *Order* (ECF No. 2223) and *Judgment in a Civil Case* (ECF No. 2224).

3. The United States and the Tribe appealed that judgment and order to the Ninth Circuit Court of Appeals and the Ninth Circuit reversed the judgment and order. *Order on Mandate* (ECF No. 2302); *see also United States v. Walker River Irr. District*, 890 F.3d 1161 (9th Cir. 2018).

4. At the time the Court took action in May 2015, the parties had been following this Court's Case Management Order (ECF No. 108), its supplement (ECF No. 1865) and additional direction provided by the Court in status conferences on July 25, 2013 and November 4, 2013 (ECF No. 1962 at 55; 67-68).<sup>1</sup>

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<sup>1</sup> It does not appear that the July 25, 2013 Transcript was filed. The relevant information is on page 42 of that Transcript.

5. In summary, the Court had bifurcated the United States' claims and determined that the water right claims associated with the Walker River Indian Reservation ("Tribal Claims") should be resolved first. Although the Case Management Order (ECF No. 108) had identified possible threshold issues for the parties to address, the Supplemental Case Management Order (ECF No. 1865) deleted those provisions and, in the events leading up to the Court's action of May 2015, the parties were directed to file motions limited to subject matter jurisdiction under Rule 12(b)(1) of the Federal Rules of Civil Procedure.

6. In addition, for many years prior to 2015 and as directed by the Court, the United States expended a great deal of effort and expense joining and serving notice of these proceedings to potentially affected water rights holders of the Walker River Basin as identified in the Case Management Order (ECF No. 108 at 4-6). Just prior to Court's May 2015 judgment and order, the United States completed its service activities. *See Order to Allow Service by Publication* (ECF No. 2181); *Twentieth Report of the United States of America Concerning Status of Certain Persons and Entities* (ECF No. 2183); and *Proofs of Publication* (ECF Nos. 2201, 2202, 2203, and 2204).

7. Shortly before May 2015, the parties and the Court resolved issues associated with serving documents in these proceedings, giving unrepresented parties electronic access to Court documents, establishing a public website, and other matters. *See Superseding Order Regarding Service and Filing in Subproceeding C-125-B and By All Parties* (ECF No. 2100).

8. With the May 2015 judgment and order reversed, the parties believe that the case is postured to resume litigation, consistent with the Case Management Order (ECF No.

108) as modified by the Supplemental Case Management Order (ECF No. 1865). Although the direction of the Court in the status conferences of July 25, 2013 and November 4, 2013 limited motions in Phase I as set forth in the Supplemental Case Management Order (ECF No. 1865 at para. 3) to motions under FRCP 12(b)(1), the parties believe Phase I is now complete.

9. The parties believe that it would be beneficial for the Court to hold a status conference in the near future for the Court and the parties to discuss and address “Subsequent Litigation Phases” necessary to address the merits of the Tribal Claims as referenced in paragraph 6 of the Supplemental Case Management Order (ECF No. 1865). Based on those discussions, the parties believe that more detailed proposals can be developed and presented to the Court for its consideration.

Dated: August 6, 2018

Respectfully submitted,

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David L. Negri, Trial Attorney

By /s/ Andrew “Guss” Guarino  
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**CERTIFICATE OF SERVICE**

It is hereby certified that on August 6, 2018, service of the foregoing was made through the court's electronic filing and notice system (CM/ECF) to all of the registered participants.

/s/ Andrew "Guss" Guarino  
Andrew "Guss" Guarino